

Appl. No.: 10/604050
Amdt. Dated: 8/26/2004
Reply to Office action of: 07/22/2004

REMARKS/ARGUMENTS

Applicant's attorney thanks the Examiner for granting the phone interview of 08/24/2004 and the Examiner's helpful suggestions during said interview.

The following paragraph is a statement of the substance of this interview under 37 CFR 1.33(b):

Applicant by his attorney discussed the key features of the claimed invention residing in the use of an over-molded covering on a plastic articulating arm having a living hinge where the over-molded covering acts like a spring to return the articulated arm to its normal closed position when not in use, but which allows the articulated arm to open to accommodate a beverage container being placed in the container holder. Also discussed were the cited references and how they failed to disclose or fairly suggest the key features of Applicants' claimed invention. Examiner Sterling pointed out the areas of the claims which she found inadequate in describing the key features and offered suggestions for improving this language in the claims. Examiner Sterling agreed to review the file in light of the information discussed in the phone interview and to review this informal amendment toward finding allowable subject matter in this application and suggested that with properly drafted claims there would be allowable subject matter. There was no agreement of allowed claims during the phone interview.

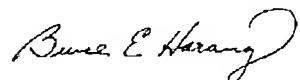
This amendment makes no changes to the Specification or Drawings presently in this application.

Claims 1, 5, 7, and 11 have been amended to more clearly define Applicant's claimed invention in that the fact that the over-molding is a covering of the core articulating arm unit by a thermoplastic elastomer. Support for these amendments may be found, for example, in paragraph [0030] lines 1 –8, paragraph [0031] lines 3 –5, and Figure 3.

In view of the remarks herein, the remarks during the telephone interview, and the amendments hereto, it is submitted that this application is in condition for allowance, and such action is respectfully solicited.

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Respectfully submitted,



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